



**CMP(MD) No.9188 of 2024**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )**

**Monday, the Nineteenth day of August Two Thousand and Twenty Four**

**PRESENT**

**The Hon`ble Mr.Justice P.VELMURUGAN  
and  
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN**

**CMP(MD) No.9188 of 2024  
in  
C.M.A.(MD)S.R.No.47401 of 2024**

**M.KAVISHANKAR**

**... PETITIONER/PETITIONER**

**Vs**

**P.CHITRA DEVI**

**... RESPONDENT/RESPONDENT**

Civil Miscellaneous petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to **CONDONE THE DELAY** of 467 days in filing the Civil Miscellaneous Appeal against the fair and decreetal order passed by the learned Family Judge, Madurai in I.A.No.1261 of 2022 in H.M.O.P.No.358 of 2021 dated 26.12.2022.

**PRAYER in C.M.A.(MD)S.R.No.47401 of 2024:**

To call for the records pertaining to the fair and decreetal order passed by the learned Family Judge, Madurai in I.A.No.1261 of 2022 in H.M.O.P.No.358 of 2021 dated 26.12.2022 and to set aside the same by allowing this appeal.

**ORDER :** This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.NAVANEETHARAJA, Advocate for the petitioner, the Court made the following order:-



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The petition is filed to condone the delay of 467 days in filing this appeal.

2. Court notice was ordered on 22.07.2024 and private notice was also permitted to be taken. However, till date, the petitioner has not paid the batta and proof of affidavit of service has also not been filed. This clearly shows that the petitioner is not interested to prosecute the appeal and is delaying the process in one way or other.

3. In such circumstances, this petition is liable to be dismissed for default. Accordingly, this petition is dismissed for default.

sd/-  
19/08/2024

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/08/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

MBI  
TO

THE JUDGE,  
FAMILY COURT, MADURAI.



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ORDER  
IN  
CMP(MD) No.9188 of 2024  
in C.M.A.(MD)S.R.No.47401 of 2024  
Date :19/08/2024

SS/GS/SAR- /27/08/2024/3P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023